

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

UNITED STATES OF AMERICA

v.

Cr. No. 07-190-01-GZS

ROBERT WOLFFE

MOTION TO DISMISS ORIGINAL INDICTMENT WITHOUT PREJUDICE
Pursuant to Fed. R. Crim. P 48(a)

A Superseding Indictment was returned by the Grand jury on October 31, 2007, captioned United States v. Daniel Riley, Jason Gerhard, Cirino Gonzalez and Robert Wolffe, Cr. No. 07-189-01, 02, 03 & 04-GZS, which incorporates the charges contained in the original Indictment against Robert Wolffe. The government intends to proceed on the new Superseding Indictment, and not on the original Indictment, and therefore seeks leave of Court to dismiss, without prejudice, the original Indictment (docket #3) in this case.

November 2, 2007

Respectfully submitted,

THOMAS P. COLANTUONO
United States Attorney

By: /s/ Arnold H. Huftalen
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CERTIFICATION OF SERVICE

I hereby certify that service is being made upon counsel of record via ecf filing notice.

/s/ Arnold H. Huftalen
Arnold H. Huftalen
Assistant U.S. Attorney